

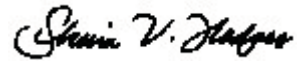
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Curtis Q. Owens,)	C/A No.: 1:10-3009-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Warden John R. Pate,)	
)	
Defendant.)	
)	

Plaintiff filed this action, which is construed as alleging violations of 42 U.S.C. § 1983. Defendant filed a motion for summary judgment on July 8, 2011. [Entry #23]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on July 12, 2011, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #31]. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On August 17, 2011, the court ordered Plaintiff to advise whether he wished to continue with the case by August 31, 2011. [Entry #34]. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

September 2, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge